

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

H'S BAR, LLC,

Plaintiff,

vs.

**CYNTHIA BERG,
MARCHUS D. FRUCHTER,
BRENDON KELLY,
SAINT CLAIR COUNTY SHERIFF'S
DEPARTMENT, and SAINT CLAIR
COUNTY HEALTH DEPARTMENT,**

Defendants.

Case No. 20-cv-1134-SMY

MEMORANDUM AND ORDER

YANDLE, District Judge:

Plaintiff H's Bar, LLC filed the instant lawsuit and alleges that the enforcement of Illinois Governor J.B. Pritzker's executive orders designed to curb the spread of COVID-19 violate its constitutional rights. Plaintiff also filed a Motion for Temporary Restraining Order ("TRO") in which it seeks both an *ex parte* TRO and preliminary injunction (Doc. 15).

Pursuant to Federal Rule of Civil Procedure 65(b)(1), the Court may only issue a TRO without notice to the adverse party if the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required. No written certification from Plaintiff's counsel accompanied the motion. Accordingly, the Motion for Temporary Restraining Order is **DENIED**.

Defendants are **DIRECTED** to file any response to the Motion for Preliminary Injunction no later than 4:00 p.m. (CDT) on Thursday, November 12, 2020. The Court will convene a hearing

on the Motion for Preliminary Injunction on Friday, November 13, 2020, at 1:30 p.m. via video conference before the undersigned Judge. Information regarding the video conference will be sent by email to all parties. Full access to this hearing is available remotely. Instructions for non-participants to join the hearing are as follows: Call toll free 877-873-8017, when prompted enter Access Code 4354777. In light of the public health crisis due to the COVID-19 virus, the Court finds that full access to the press and public cannot be afforded for this hearing. Other alternatives to closure were considered, but at this time the Court only has the technological capability to allow access by teleconference

Plaintiff shall serve this Order on Defendants immediately.

IT IS SO ORDERED.

DATED: November 2, 2020



STACI M. YANDLE
United States District Judge